

# **PRISONER E-FILING EXPANSION**

August 24, 2010

## **SCANNING OF PRISONER FILINGS INTO ADOBE PORTABLE DOCUMENT FORMAT (PDF) AND SUBSEQUENT ELECTRONIC DELIVERY TO THE COURT**

**PROPOSAL:** Danville, IL River, and Western IL Correctional Centers will scan prisoner filings into a Digital Sender which converts the filings to PDF format and e-mails them to the Court for filing rather than photocopying and sending them via U.S. Mail.

### **Introduction**

The United States District Court for the Central District of Illinois (the Court) invites the Illinois Department of Corrections and, specifically, the Danville, IL River, and Western IL Correctional Centers, to participate in a program designed to reduce the cost of processing court filings made by prisoners in civil rights cases filed in Federal Court. This proposal, if adopted and properly executed, will significantly reduce the expenditures for paper, envelopes, copier supplies and postage for the Correctional Center. Furthermore, it will substantially reduce the amount of staff time spent on prisoner court filings, for both the Correctional Center staff and the Court. The details of this program are discussed below.

### **Electronic Case Filing: A Brief Overview**

The Court implemented electronic case filing on September 1, 2004. All attorneys who practice law in the Court are required to file their case documents electronically. Attorneys are given unique login identifiers and passwords by the Court. They log in to the Court's electronic case filing system, enter the case number in which they are filing a document, select the type of document they are filing, and then upload (e-file) the document onto the Court's system. Documents filed electronically must be in Adobe Portable Document Format (PDF). Because PDF documents retain their original formatting even as they are uploaded to and/or downloaded from different computer systems, and because the Adobe corporation provides its PDF reader software for free, PDF enjoys widespread use and acceptance.

Documents created with word processing systems such as Microsoft Word or Corel WordPerfect can be converted into PDF by using the word processor's Convert-to-PDF utility. Documents which exist only in paper form (also known as hardcopy documents), such as handwritten documents, typewritten documents, drawings, non-digital photographs, or any other printed documents which do not exist in electronic form, must be scanned into PDF. Scanning a document into PDF is a physical process very similar to making a photocopy. The hardcopy originals are placed into the scanner's document feeder and, page by page, the scanner captures the exact contents of each page. Unlike photocopying, however, a scanner's output is not one or

more paper replicas of the original document, but a single computer file which is a PDF version of the original document. When this computer file is viewed or printed, it looks exactly like a photocopy of the original document. This single computer file can be viewed, printed, uploaded and/or downloaded any number of times.

With very few exceptions, all documents filed with the Court are e-filed in the Court's electronic case filing system, which means that they must first exist in PDF so that they can be uploaded. All documents filed by attorneys, the Court, and *pro se* litigants are converted to PDF before being e-filed. Attorneys are required to convert their own documents to PDF before e-filing them. The Court, naturally, converts its own documents to PDF before e-filing them. *Pro se* parties who are not prisoners can be given access on the Court's electronic filing system; once that happens, they, too, convert their own documents to PDF before e-filing them. With very few exceptions, only *pro se* prisoners still file paper—not PDF—documents with the Court.

### **Current Prisoner Filing Practices: Costly and Labor Intensive**

*Pro se* prisoners, because they cannot be granted access to the Court's electronic filing system, must send all of their filings to the Court on paper via the U.S. Postal Service. Since a prisoner cannot have access to photocopiers or postage supplies, staff of the correctional institution must make all of the required photocopies, affix postage due, and mail the document, plus all required copies on behalf of the prisoner. Once the Court receives the prisoner's document in the mail, Clerk's Office staff must scan the document into PDF so that it can be e-filed in the electronic filing system. This is a labor intensive process for both the correctional facility and the Court. Prisoner civil rights cases comprise approximately thirty percent of the Court's civil caseload. Court staff, then, are having to scan many incoming pleadings before they can be filed. The situation is far worse for prison staff, who must photocopy and mail one hundred percent of the prisoners' court filings.

### **Proposed New Prisoner Filing Practices: Money-Saving and Streamlined**

Via this proposal, the Court suggests a better way of handling prisoner filings, a way that requires substantially less staff time by the correctional facility and the Court and which will significantly reduce the consumption of paper, envelopes, copier supplies, and postage for Danville, IL River, and Western IL Correctional Centers: Library staff will scan prisoner filings into a digital sender which converts the document to PDF and automatically e-mails them to the Court for e-filing rather than photocopy and mail them via U.S. mail. Because the Court is absolutely convinced that this plan will save time and money over the long term, we will facilitate this project to the extent we are able. The steps involved are outlined below.

1. Danville, IL River, and Western IL staff will scan to PDF, rather than photocopy, prisoner filings in cases in this Court.

For this purpose, the Court will provide the Danville, IL River, and Western IL Correctional Centers each with one pre-programmed digital sender. After a successful

trial period the exact length of which will be decided later, the digital sender will become the property of the respective Correctional Center.

Furthermore, Court staff will provide on-site training at each Correctional Center for IDOC staff on the use of the sender to create PDF documents and e-mail them to the Court. After the initial training, Court staff will be available by telephone to answer any questions IDOC staff may have as they operate the PC and scanner. Additional on-site training can be arranged if requested.

The Court will also provide a self-inking stamp for IDOC staff to stamp each prisoner pleading after scanning, signifying that it was digitally sent to the Court on a specific date and time.

Note that scanning a document and photocopying it are generally physically equivalent activities. **This will be a cost-neutral, staff-time-neutral practice for each Correctional Center.**

2. Danville, IL River, and Western IL staff will e-mail the PDF documents to the Court as well as send the original via regular U.S. Postal Service mail to the Court.

It is expected that IDOC staff will digitally send the PDF files to the Court as they are brought into the library for submission. At the end of each day, IDOC staff can collect a day's worth of the prisoners' original pleadings and send them all in a single, daily mailing to the appropriate division of the Court via U.S. Mail; there will be no need for a separate mailing for each prisoner or each document. **This will be a money saving, labor-saving practice for the Correctional Center.**

3. The Court will e-file the prisoners' documents as it receives them via e-mail. For prisoner pleadings and other documents that are not complaints<sup>1</sup> (which require service with process), the Court will adopt the practice of allowing the Notice of Electronic Filing generated by the Court's electronic case filing system to be the official service upon and notice to the other parties, if counsel for the other parties are registered in the Court's electronic case filing system. For those parties who are not registered, the Clerk of the Court will mail a copy of the prisoner plaintiff's e-filed documents to those non-registered parties on behalf of the prisoner, via U.S. Mail. **This will be a substantial money-saving, labor-saving practice for Pontiac Correctional Center.**

4. The Court and each Correctional Center will determine a method by which IDOC legal

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<sup>1</sup>The Court, the Illinois Department of Corrections and the Correctional Center have agreed to decrease the number of copies of the complaint that must be sent to the Clerk of the Court for service on the defendants. The Court will make necessary copies for service or process.

staff at each facility can be included in the Notices of Electronic Filing which issue when a document has been filed electronically. The Notice of Electronic Filing contains a hyperlink for a free download of the e-filed document, which will have the Court's official file stamp affixed to it.

5. The defendants will continue to mail a copy of any documents filed by the defendants to the inmate plaintiff.

## **Conclusion**

**The Court will strive to make every effort to use the most effective and economical methods and practices for both the personnel and resources of the Court and the Illinois Department of Correction.**

**Further, if the Illinois Department of Corrections agrees to participate in the above proposed project, the Court proposes that staff members of the Court, the Illinois Department of Corrections, Danville, IL River, and Western IL Correctional Centers, and the Illinois Attorney General Office shall participate in a conference call during the month of September 2010 to finalize plans and goals to have this expansion project implemented during the month of October 2010.**